

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SECOND DAY — FRIDAY, MAY 12, 1995

The house met at 1:00 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 407).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzhauser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna.

Absent, Excused, Committee Meeting — Ogden.

Absent — Dear.

## LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Pickett on motion of Wohlgemuth.

On motion of Representative Rodriguez and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

## RULES SUSPENDED

Representative Rodriguez moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent bills calendars which were considered on the previous legislative day.

The motion prevailed without objection.

**LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

**HB 3169**

**HB 3231**

**HB 18**

**HB 29**

**HB 52**

**HB 93**

**HB 302**

**HB 482**

**HB 485**

**HB 496** (Patterson - no)

**HB 664**

**HB 883** (Corte, Finnell, Horn, and Patterson - no)

**HB 888**

**HB 932**

**HB 1079**

**HB 1125**

**HB 1195**

**HB 1209** (Corte and Heflin - no)

**HB 1247**

**HB 1277**

**SB 1212**

**HB 1357** (Finnell - present, not voting)

**HB 1361**

**HB 1496** (Finnell - present, not voting)

**SB 526**

**HB 1541** (Horn and Patterson - no)

**HB 1649**

**HB 1711**

**SB 1029** (Heflin - no)

**HB 1783**

**HB 1794**

**HB 1884**

**HB 1879**

**SB 1492**

**HB 1892** (Finnell - present, not voting)

**HB 1933**

**HB 1935**

**HB 2006**

**HB 2029**

**HB 2036** (Patterson - no)

**HB 2080**

**HB 2113**

**HB 2138**

**HB 2139** (Finnell - present, not voting)

**HB 2198**

**HB 2267**

**HB 2342**

**HB 2358**

**HB 2362** (Finnell - no)

**HB 2422**

**HB 2429** (Patterson - no)

**HB 2448**

**HB 2449**

**HB 2457** (Finnell, Patterson, and Shields - no)

**HB 2508** (Finnell - no)

**HB 2592**

**HB 2600** (Shields - no)

**HB 2616**

**HB 2618**

**HB 2709**

**HB 2710**

**HB 2747**

**SB 1682**

**HB 2775**

**HB 2796**

**HB 2818**

**HB 2850** (Finnell, Horn, and Patterson - no)

**HB 2856** (Finnell, Heflin, and Patterson - no)

**HB 2936** (Patterson - no)

**HB 2967** (Heflin - no)

**SB 1158**

**HB 2975**

**HB 3008**

**HB 3017**

**HB 3040**

**HB 3046**

**HB 3050**

**HB 3086**

**HB 3106** (Horn - no; Finnell - present not voting)

**HB 3118** (Heflin and Patterson - no)

**HB 3119**

**HB 3162**

**HB 3200**

**HB 3208** (Finnell and Horn - no)

**HB 3223**

**HB 3233**

**SB 659**

**SB 832**

**SB 1168**

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Solis on motion of Alonzo.

#### **LOCAL AND CONSENT BILLS CALENDARS - (consideration continued)**

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 408): 137 Yeas, 1 Nay, 1

Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Conley.

Present, not voting — Mr. Speaker.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Ogden.

Absent — Dear; Dutton; Hernandez.

**HB 3232** (137-1-1)

**HB 3234** (137-1-1)

**HB 211** (137-1-1)

**HB 1440** (137-1-1)

**HB 2143** (137-1-1)

**HB 2227** (137-1-1)

**HB 2405** (137-1-1)

**HB 3102** (137-1-1)

**SB 344** (137-1-1)

### **HR 887 - ADOPTED**

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 887**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Bosse,

**HR 887**, Honoring the North Shore High School 400-meter relay team.

The resolution was adopted without objection.

**HR 888 - ADOPTED**

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 888**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Bosse,

**HR 888**, Honoring Kim McGruder.

The resolution was adopted without objection.

**HR 913 - ADOPTED**

Representative Nixon moved to suspend all necessary rules to take up and consider at this time **HR 913**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Nixon,

**HR 913**, Endorsing the efforts of the Houston International Sports Committee.

The resolution was adopted without objection.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Rodriguez moved to suspend all necessary rules to allow the Committee on Local and Consent Calendars to meet while the house is in session.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 1:30 p.m. today, speakers committee room.

**PROVIDING FOR LOCAL AND CONSENT BILLS AND  
RESOLUTIONS CALENDARS**

Representative Rodriguez moved to set local and consent bills and resolutions calendars for 10 a.m. Tuesday, May 16.

The motion prevailed without objection.

**REGULAR ORDER OF BUSINESS SUSPENDED**

By unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

**SB 1679 - RECOMMITTED**

Representative Saunders moved to recommit **SB 1679** to the Committee on Land and Resource Management.

The motion prevailed without objection.

(Speaker in the chair)

### **HB 3054 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 3054**, A bill to be entitled An Act relating to the creation of crime control and prevention districts in certain municipalities; authorizing certain taxes.

The bill was read third time and was passed.

### **HB 2646 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2646**, A bill to be entitled An Act relating to the Code of Criminal Procedure.

The bill was read third time and was passed.

### **HB 175 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 175**, A bill to be entitled An Act relating to the protection of a public employee who reports a violation of law.

The bill was read third time.

#### **Amendment No. 1**

Representative Hirschi offered the following amendment to the bill:

Amend **HB 175** on third reading as follows:

On page 7, line 15, after the word exceed, strike "\$5,000" and substitute with "\$15,000".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Hirschi offered the following amendment to the bill:

Amend **HB 175** on third reading as follows:

(1) On page 8, lines 8 and 9, after the word "to" strike the following language "each member of the legislative audit committee" and substitute "the State Auditor's Office".

(2) On page 8, lines 12 to 15, strike existing language and add the following: "State Auditor's office receives the memorandum required by Subsection (a), the auditor may audit or investigate the state governmental entity to determine any changes necessary to correct the problems which gave rise to the whistleblower suit, and shall recommend such changes to the Legislative Audit Committee, the Legislative Budget Board, and the governing board and/or Chief Executive Officer of the entity involved. In conducting the audit or investigation, the auditor shall have access to all records pertaining to the suit."

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Hirschi offered the following amendment to the bill:

Amend **HB 175** on third reading as follows:

- (1) On page 2, line 23, strike "i."
- (2) On page 2, line 24, strike "(1)"
- (3) On page 2, line 25, strike "; and"
- (4) On page 2, line 25, after the word "government" insert "that the employee in good faith believes"
- (5) On page 2, line 26, strike "(2)"
- (6) On page 2, line 27, strike "(A)" and substitute "(1)"
- (7) On page 3, line 2, strike "(B)" and substitute "(2)"

Amendment No. 3 was adopted without objection.

A record vote was requested.

**HB 175**, as amended, was passed by (Record 409): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Ogden.

Absent — Dear; Hernandez; Junell.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a conference committee meeting on HB 327.

Van de Putte on motion of Thompson.

**HB 982 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,



**HB 982**, A bill to be entitled An Act relating to the children's trust fund and the Children's Trust Fund of Texas Council operating fund.

The bill was read third time and was passed.

**HB 1598 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1598**, A bill to be entitled An Act relating to the organization of the district courts in Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties and the offices of the district attorneys of the 34th and 83rd judicial districts.

The bill was read third time and was passed.

**HB 1777 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1777**, A bill to be entitled An Act relating to the regulation of small telecommunications utilities and telephone cooperative corporations.

The bill was read third time and was passed.

**HB 1053 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1053**, A bill to be entitled An Act relating to funding for victims of family violence.

The bill was read third time and was passed.

**HB 1826 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1826**, A bill to be entitled An Act relating to the approval of disposal system plans by the Texas Natural Resource Conservation Commission.

The bill was read third time and was passed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on HB 1:

Gallego on motion of H. Cuellar.

**HB 2460 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2460**, A bill to be entitled An Act relating to the possession, purchase, sale, distribution, and receipt of cigarettes and tobacco products; providing penalties.

The bill was read third time.

**Amendment No. 1**

Representative Seidlits offered the following amendment to the bill:

Amend **HB 2460** on third reading in SECTION 1 of the bill by striking Section 161.081(5), Health and Safety Code, and substituting the following:

"(5) "Proof of age" means a driver's license or an identification card, issued by the Department of Public Safety and containing physical description consistent with the person's appearance, that purports to establish that the person is 18 years of age or older."

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative De La Garza offered the following amendment to the bill:

Amend **HB 2460** on third reading, in SECTION 1 of the bill, by striking Section 161.087, Health and Safety Code, and substituting the following:

Sec. 161.087. POSSESSION, PURCHASE, AND RECEIPT OF CIGARETTES OR TOBACCO PRODUCTS BY MINORS PROHIBITED. (a) A person who is younger than 18 years of age commits an offense if the person:

(1) possesses, purchases, or accepts receipt of a cigarette or tobacco product; or

(2) falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually his or her own for the purpose of possessing, purchasing, or receiving a cigarette or tobacco product.

(b) This section does not prohibit a person from possessing or accepting receipt of a cigarette or tobacco product from a family member or from an employer when required in the performance of the employee's duties.

(c) An offense under this section is a Class C misdemeanor, except that the court shall suspend the execution of the sentence and shall require the defendant to attend a smoking awareness course approved by the Texas Commission on Alcohol and Drug Abuse or a similar smoking awareness course approved by the court. The court shall require the defendant to present evidence to the court, in the manner prescribed by the court, of satisfactory participation in and completion of the smoking awareness course.

(d) On the conviction of a defendant for an offense under this section, the court, in addition to requiring the defendant to attend a smoking awareness course, may order the Department of Public Safety to suspend the defendant's driver's license or permit, or if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant. The order shall specify the period of suspension or denial, which may not exceed 180 days immediately following the date of the order.

(e) A person convicted of a violation of this section may apply to the court in which the person was convicted to have the conviction expunged. If the court finds that the applicant successfully completed the smoking awareness course ordered by the court, the court shall order the conviction and all complaints, verdicts, sentences, and other documents relating to the offense to be expunged from the applicant's record, and the conviction may not be shown or made known for any purpose.

(f) In addition to the jurisdiction and powers provided by the constitution

and other law, a justice court or municipal court may exercise jurisdiction over any matter in which a court may impose a requirement that a defendant attend a smoking awareness course or order the suspension or denial of a driver's license or permit under the conditions described by Subsection (c) or (d).

(g) An offense under this section is not subject to suit under Title 3, Family Code.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Hirschi offered the following amendment to the bill:

Amend **HB 2460** on third reading as follows:

(1) On page 4, line 9, insert "The board by rule shall determine the design of the sign."

(2) On page 4, line 11, strike "commission" and restore "department".

(3) On page 4, line 13, strike "commission" and restore "department".

Amendment No. 3 was adopted without objection.

**HB 2460**, as amended, was passed. (R. Cuellar and Maxey recorded voting no; Solomons, yes)

### **HB 2330 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2330**, A bill to be entitled An Act relating to the statute of limitations for personal injury or death as a result of sexual assault.

A record vote was requested.

The bill was read third time and was passed by (Record 410): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Gallego; Ogden; Van de Putte.

Absent — Dear; Ehrhardt; Hernandez; Junell.

### **HB 1433 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1433**, A bill to be entitled An Act relating to the eligibility for release on mandatory supervision of certain inmates of the institutional division of the Texas Department of Criminal Justice.

The bill was read third time and was passed.

### **HB 3021 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 3021**, A bill to be entitled An Act relating to the regulation of bingo.

The bill was read third time.

### **Amendment No. 1**

Representative Kuempel offered the following amendment to the bill:

Amend **HB 3021** on third reading as follows:

(1) On page 2, line 6, between "device" and the period, insert "operated by the conductor".

Amendment No. 1 was adopted without objection.

**HB 3021**, as amended, was passed. (Patterson and Telford recorded voting no)

### **MESSAGE FROM THE SENATE**

Austin, Texas, May 12, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HB 2128** by Seidlits, Moffat, et al. (Sponsor-Sibley), relating to the regulation of telecommunications utilities, to the provision of telecommunications and related services, and to the continuation of the Public Utility Commission of Texas (committee substitute and amended).

Respectfully,  
Betty King  
Secretary of the Senate

### **HB 2677 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2677**, A bill to be entitled An Act relating to the civil liability of certain chambers of commerce and to the volunteers and employees of the organizations.

The bill was read third time and was passed.

### **HB 3164 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 3164**, A bill to be entitled An Act relating to the continuation, operations, and functions, of the Public Utility Commission of Texas and the Office of Public Utility Counsel; providing penalties.

A record vote was requested.

The bill was read third time and was passed by (Record 411): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Gallego; Ogden; Van de Putte.

Absent — Coleman; Combs; Davis; Dear; Junell; Longoria; Rangel.

### **HB 3028 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 3028**, A bill to be entitled An Act relating to security deposits and application deposits provided by residential tenants and prospective residential tenants; providing a civil penalty.

The bill was read third time.

Representative Ehrhardt moved to postpone consideration of **HB 3028** until 2:15 p.m. today.

The motion prevailed without objection.

**SB 793 ON THIRD READING**  
**(Goodman - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 793**, A bill to be entitled An Act relating to the enforcement of certain child support and medical support obligations; appropriating certain federal funds.

The bill was read third time and was passed.

**HJR 20 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HJR 20**, A joint resolution proposing a constitutional amendment to limit the tax rate on the income and stated capital or asset components of the franchise tax.

A record vote was requested.

The resolution was read third time and was adopted by (Record 412): 103 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Culberson; Denny; Driver; Duncan; Dutton; Eiland; Elkins; Finnell; Giddings; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Price; Raymond; Reyna; Rhodes; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Torres; Turner, B.; Uher; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yost.

Nays — Alonzo; Bailey; Davila; Davis; De La Garza; Dukes; Edwards; Ehrhardt; Farrar; Gray; Hernandez; Hirschi; Hochberg; Longoria; Luna; Maxey; McDonald; Naishtat; Puente; Thompson; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Greenberg.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Gallego; Ogden; Van de Putte.

Absent — Alvarado; Coleman; Cuellar, H.; Cuellar, R.; Danburg; Dear; Junell; Place; Rangel; Rodriguez; Smithee; Tillery; Turner, S.

**HB 299 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 299**, A bill to be entitled An Act relating to violations of rules or statutes applicable to personal care facilities.

The bill was read third time and was passed. (Corte and Heflin recorded voting no)

**HB 2608 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2608**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain tangible personal property held at a location for not more than a specified period.

The bill was read third time.

**Amendment No. 1**

Representative Horn offered the following amendment to the bill:

Amend **HB 2608** on third reading by striking SECTION 4 of the bill and renumbering subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representatives Conley and Swinford offered the following amendment to the bill:

Amend **HB 1662** on third reading as follows:

(1) On page 3, strike all that appears on Line 6, and then substitute in lieu thereof the following: "September 1, 1997."

(2) On page 16, strike all that appears on Lines 23 and 24, and then substitute in lieu thereof the following: "September 1, 1997 [~~1999~~]."

Amendment No. 2 was withdrawn.

**HB 2608**, as amended, was passed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on SB 1:

Hochberg on motion of Gray.

**HB 1662 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1662**, A bill to be entitled An Act relating to the powers and duties of the Department of Protective and Regulatory Services; providing penalties.

The bill was read third time.

**Amendment No. 1**

Representatives Swinford and Conley offered the following amendment to the bill:

Amend **HB 1662** on third reading as follows:

(1) On page 3, strike all that appears on Line 6, and then substitute in lieu thereof the following: "September 1, 1997."

(2) On page 16, strike all that appears on Lines 23 and 24, and then substitute in lieu thereof the following: "September 1, 1997 [~~1999~~]."

Amendment No. 1 was adopted without objection.

**HB 1662**, as amended, was passed.

### **HB 1726 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1726**, A bill to be entitled An Act relating to certain criminal background information obtained by the Texas Commission on Alcohol and Drug Abuse.

A record vote was requested.

The bill was read third time and was passed by (Record 413): 124 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Conley; Edwards; Madden; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden; Van de Putte.

Absent — Bailey; Brady; Dear; Hernandez; Junell; Luna; Rangel; Sadler; Smithee.

### **HB 1830 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1830**, A bill to be entitled An Act relating to the use of certain lighting equipment on motor vehicles.

The bill was read third time and was passed.

### **HB 1997 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1997**, A bill to be entitled An Act relating to the guarantee of certain loans under the linked deposit program.



A record vote was requested.

The bill was read third time and failed to pass by (Record 414): 57 Yeas, 67 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Brady; Brimer; Carona; Conley; Cook; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Giddings; Goodman; Gray; Greenberg; Gutierrez; Haggerty; Hernandez; Hirschi; Hudson; Jones, J.; Lewis, G.; Longoria; Marchant; Maxey; McCoulskey; McDonald; Munoz; Naishtat; Oliveira; Patterson; Price; Puente; Rangel; Raymond; Rodriguez; Rusling; Seidlits; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Wolens; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Black; Carter; Chisum; Combs; Crabb; Craddick; Culberson; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Glaze; Goolsby; Grusendorf; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; Moffat; Mowery; Nixon; Oakley; Park; Pitts; Reyna; Rhodes; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Walker; West; Williamson; Willis; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C); Corte; Counts.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden; Van de Putte.

Absent — Clemons; Coleman; Dear; Harris; Hightower; Jones, D.; Junell; Luna; Place; Romo; Sadler; Wilson.

### STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 414. I intended to vote no.

Counts

### HB 2000 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

**HB 2000**, A bill to be entitled An Act relating to the application of nepotism laws to the employment of a substitute teacher in certain school districts.

A record vote was requested.

The bill was read third time and was passed by (Record 415): 122 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Edwards; Ehrhardt; Eiland;

Elkins; Finnell; Giddings; Glaze; Goodman; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Serna; Solis.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden; Van de Putte.

Absent — Bailey; Clemons; Coleman; Dear; Dutton; Farrar; Goolsby; Gray; Hamric; Junell; Luna; Rangel; Romo; Seidlits; Turner, S.; Wilson.

### **HB 2032 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2032**, A bill to be entitled An Act relating to the administration of medical and dental units of public institutions of higher education.

The bill was read third time and was passed. (The vote was reconsidered later today, and **HB 2032** was passed by Record 423.)

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Romo on motion of Uher.

The following member was granted leave of absence for the remainder of today because of important business in the district:

S. Turner on motion of Conley.

### **HB 2037 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2037**, A bill to be entitled An Act relating to the creation of the offense of indecency with a disabled individual.

The bill was read third time and was passed.

### **HB 2085 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2085**, A bill to be entitled An Act relating to the liability of certain private and governmental owners of agricultural land used for recreation.

The bill was read third time and was passed.

**HB 2177 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2177**, A bill to be entitled An Act relating to the validation of all acts, governmental proceedings, officials, bonds, and obligations of navigation districts.

A record vote was requested.

The bill was read third time and was passed by (Record 416): 123 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Puente; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C); Conley.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden; Van de Putte.

Absent — Clemons; Coleman; Dear; Farrar; Junell; Longoria; Luna; Price; Rangel; Sadler; Seidlits; Smithee.

**HB 2296 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2296**, A bill to be entitled An Act relating to the creation of a voluntary cleanup program for solid and hazardous wastes.

The bill was read third time and was passed. (Thompson recorded voting no)

**HB 2428 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2428**, A bill to be entitled An Act relating to criminal history record information maintained by and disseminated from the Department of Public Safety.

The bill was read third time and was passed.

**HB 2402 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2402**, A bill to be entitled An Act relating to the regulation of tattoo studios.

The bill was read third time.

**Amendment No. 1**

Representative Thompson offered the following amendment to the bill:

Amend **HB 2402** on third reading by striking Sections 146.003(b) and (c), Health and Safety Code, as amended by SECTION 4 of the bill, and substituting the following:

(b) On receipt of a tattoo studio license application, the department shall inspect the proposed tattoo studio [~~parlor~~] to determine compliance with this chapter and rules adopted by the board under this chapter. In addition, the department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the studio [~~parlor~~] is proposed to be located to determine compliance with existing building and zoning codes applicable to the studio [~~parlor~~]. The department may issue a license for a tattoo studio after determining that the studio is in compliance with applicable statutes, rules, and building and zoning codes.

(c) On receipt of a temporary location license application, the department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the temporary location is proposed to be located to determine compliance with applicable existing building and zoning codes. The department may issue a license for a temporary location after determining that the temporary location [~~parlor~~] is in compliance with applicable [~~statutes, rules, and~~] building and zoning codes.

Amendment No. 1 was adopted without objection.

**HB 2402**, as amended, was passed.

**HB 2491 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2491**, A bill to be entitled An Act relating to certain environmental permitting procedures of the Texas Natural Resource Conservation Commission.

The bill was read third time.

**Amendment No. 1**

Representative Yost offered the following amendment to the bill:

Amend **HB 2491**, on third reading, by striking new Section 5.378(g), Water Code, and substituting the following:

"(g) The filing of a petition under this section stays the effect of a permit issued by the executive director until the commission approves, modifies, or rejects the executive director's permit decision."

Amendment No. 1 was adopted without objection.

(Black in the chair)

A record vote was requested.

**HB 2491**, as amended, failed to pass by (Record 417): 62 Yeas, 63 Nays, 2 Present, not voting. (The vote was reconsidered later today and **HB 2491**, as amended, was passed.)

Yeas — Allen; Brady; Brimer; Carona; Carter; Chisum; Combs; Corte; Counts; Craddick; Cuellar, H.; Culberson; Driver; Elkins; Finnell; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hill; Holzheuser; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Kamel; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Park; Patterson; Pitts; Price; Saunders; Shields; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Nays — Alonzo; Alvarado; Averitt; Bailey; Berlanga; Bosse; Coleman; Conley; Crabb; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Denny; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Giddings; Gray; Greenberg; Harris; Hawley; Hernandez; Hightower; Hilderbran; Hirschi; Horn; Johnson; Jones, D.; Jones, J.; King; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McCoulskey; McDonald; Naishtat; Oakley; Oliveira; Puente; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Seidlits; Siebert; Stiles; Telford; Thompson; Tillery; Torres; Willis; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Black(C).

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden; Van de Putte.

Absent — Alexander; Clemons; Cook; Dear; Junell; Nixon; Place; Rangel; Sadler; Wilson.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 417. I intended to vote no.

Brady

### HB 1953 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 1953**, A bill to be entitled An Act relating to initial training and continuing education for police chiefs.

The bill was read third time and was passed.

### HB 2745 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 2745**, A bill to be entitled An Act relating to user safety at unmanned teller machines.

The bill was read third time and was passed.

**HB 3028 ON THIRD READING**

The chair laid before the house, as postponed business, on its third reading and final passage,

**HB 3028**, A bill to be entitled An Act relating to security deposits and application deposits provided by residential tenants and prospective residential tenants; providing a civil penalty.

The bill was read third time earlier today and was postponed until this time.

Representative Ehrhardt moved to postpone consideration of **HB 3028** until the end of the calendar.

The motion prevailed without objection.

**HB 2858 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2858**, A bill to be entitled An Act relating to the operation of the smart jobs fund and the employment training program created under that fund.

The bill was read third time and was passed.

**HB 2859 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2859**, A bill to be entitled An Act relating to the powers, duties, and name of the Texas Commission for the Deaf and Hearing Impaired.

The bill was read third time and was passed.

**HB 2958 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2958**, A bill to be entitled An Act relating to regulation of private investigators and private security agencies; providing a criminal penalty.

The bill was read third time.

Representative Hill moved to postpone consideration of **HB 2958** until the end of the calendar.

The motion prevailed without objection.

**HB 2941 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2941**, A bill to be entitled An Act relating to the appraisal of property for tax purposes.

The bill was read third time.

**Amendment No. 1**

Representative Eiland offered the following amendment to the bill:

Amend **HB 2941** on third reading by adding an appropriately number section to read as follows and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Section 6.03(a), Tax Code, is amended to read as follows:

(a) The appraisal district is governed by a board of five directors. To be eligible to serve on the board of directors, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. ~~[To be eligible to serve on the board of an appraisal district established for a county having a population of at least 200,000 bordering a county having a population at least 2,000,000 and the Gulf of Mexico, an individual must be a member of the governing body or an elected officer of a taxing unit entitled to vote on the appointment of board members under this section. However, an employee of a taxing unit that participate in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.]~~

Amendment No. 1 was adopted without objection.

**HB 2941**, as amended, was passed.

#### **HB 76 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 76**, A bill to be entitled An Act relating to the release of certain medical records of missing persons.

The bill was read third time and was passed.

#### **HB 246 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 246**, A bill to be entitled An Act relating to removing a county official from office.

The bill was read third time and was passed.

#### **HB 1108 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1108**, A bill to be entitled An Act relating to requiring a criminal background check for a prospective adoptive parent.

The bill was read third time and was passed.

#### **HB 1109 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1109**, A bill to be entitled An Act relating to a mandatory study into the circumstances and condition of the home of a person seeking to adopt a child.

The bill was read third time and was passed.

#### **HB 2543 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2543**, A bill to be entitled An Act relating to interactive access to

driver license records of the Department of Public Safety, creating access to National Driver Register (NDR) records through the Department of Public Safety, and authorizing fees for access to such information.

The bill was read third time and was passed.

### **HB 2200 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2200**, A bill to be entitled An Act relating to the exemption of certain training programs for plumbers from the regulations applicable to proprietary schools.

The bill was read third time and was passed.

### **HB 3193 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 3193**, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Southwest Travis County Water District.

The bill was read third time.

#### **Amendment No. 1**

Representative Saunders offered the following amendment to the bill:

Amend **HB 3193** on third reading as follows:

(1) On page 3, line 1, after "of", add "nine members appointed by the governor." and strike ":".

(2) On page 3, strike lines 2 through 10.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Maxey offered the following amendment to the bill:

Amend **HB 3193** on third reading as follows:

(1) On page 20, between lines 3 and 4, add a new Section 3.24 as follows:  
"SECTION 3.24. COUNTY AUTHORITY. Notwithstanding any other provision of this Act, this Act does not affect a county's authority acting under an order or ordinance of the commissioners court of the county or by a rule or regulation approved by the commissioners court of the county:

(1) related to land use or zoning including the authority provided by:

(A) Chapters 233 and 243, Local Government Code;

(B) Section 109.33, Alcoholic Beverage Code;

(C) Chapter 953, Acts of the 70th Legislature, Regular Session, 1987 (Article 2372dd-1, Vernon's Texas Civil Statutes); or

(D) other law;

(2) to regulate subdivisions under Chapter 232, Local Government Code, or other law, if the regulation does not conflict with Section 3.07(a) of this Act;

(3) to plan, construct, or maintain public roads or related drainage under the County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes)



or other law if the regulation does not conflict with Section 3.07(a) of this Act; or

(4) to regulate an on-site waste disposal system, as that term is defined by Section 366.002, Health and Safety Code, or a private sewage facility, as that term is defined by Section 26.031, Water Code."

Amendment No. 2 was adopted without objection.

A record vote was requested.

**HB 3193**, as amended, was passed by (Record 418): 101 Yeas, 10 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Raymond; Reyna; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Walker; West; Williamson; Willis; Wilson; Wolens; Woolley; Yost.

Nays — Alvarado; Cuellar, R.; Gray; Greenberg; Jones, D.; Maxey; Naishtat; Rhodes; Rodriguez; Wohlgemuth.

Present, not voting — Mr. Speaker; Black(C); Conley; Finnell.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden; Van de Putte.

Absent — Alonzo; Bosse; Cook; Dear; Dukes; Edwards; Giddings; Glaze; Harris; Hernandez; Junell; Longoria; Luna; McDonald; Puente; Rangel; Sadler; Seidlits; Smithee; Uher; Yarbrough; Zbranek.

### **HB 1330 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1330**, A bill to be entitled An Act relating to filing statements and reports electronically with the Texas Ethics Commission.

The bill was read third time and was passed.

(Van de Putte now present)

### **HB 2257 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2257**, A bill to be entitled An Act relating to certain inquiries made by the Texas Department of Insurance and information from those inquiries.

A record vote was requested.

The bill was read third time and was passed by (Record 419): 118 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Raymond; Rhodes; Rodriguez; Sadler; Saunders; Seidlits; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker; Black(C); Conley.

Absent, Excused — Delisi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden.

Absent — Alvarado; Brady; Dear; Dukes; Edwards; Giddings; Glaze; Hirschi; Junell; Luna; Rangel; Reyna; Rusling; Smithee; Uher; Wilson; Zbranek.

### **HB 2253 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2253**, A bill to be entitled An Act relating to the operation of tanning facilities; providing a criminal penalty.

The bill was read third time and was passed.

### **HB 692 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 692**, A bill to be entitled An Act relating to the ability to recover damages for injuries to a convicted criminal arising from the commission of the offense.

The bill was read third time.

### **Amendment No. 1**

Representative Danburg offered the following amendment to the bill:

Amend **HB 692** on third reading following Section 87.006, Civil Practice and Remedies Code, by adding:

Sec. 87.007. APPLICABILITY. This chapter does not apply to:

(1) a claim for an injury sustained during the commission of an offense

under Section 30.05, Penal Code, other than a trespass in a habitation or shelter, brought by a person who has not been convicted of another crime that occurred in conjunction with the trespass; or

(2) a claim in which the conduct of the owner of the premises is grossly negligent or intentional, other than conduct justified under Subchapter C, Chapter 9, Penal Code.

Amendment No. 1 was adopted without objection.

**HB 692**, as amended, was passed.

(Speaker in the chair)

### **HB 2793 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2793**, A bill to be entitled An Act relating to the regulation of insurance holding companies.

The bill was read third time and was passed.

### **HB 1956 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1956**, A bill to be entitled An Act relating to eliminating certain mandated reports prepared by the Texas Parks and Wildlife Commission or the Texas Parks and Wildlife Department.

The bill was read third time and was passed.

### **HB 2180 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2180**, A bill to be entitled An Act relating to financial assistance for aviation facilities development.

The bill was read third time and was passed.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Hirschi on motion of Brady.

### **HB 2550 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2550**, A bill to be entitled An Act relating to the regulation of food wholesalers and manufacturers and distributors of devices under the Texas Food, Drug, and Cosmetic Act.

The bill was read third time and was passed.

### **HB 1650 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1650**, A bill to be entitled An Act relating to the qualifications of sheriffs.

The bill was read third time and was passed. (Heflin recorded voting no)

**HB 2563 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2563**, A bill to be entitled An Act relating to initiatives for small businesses and rights and remedies under The Securities Act.

The bill was read third time and was passed.

**HB 2263 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2263**, A bill to be entitled An Act relating to having standing as a party to a contested case before a state agency and to the judicial review of a state agency's final decision in a contested case.

The bill was read third time and was passed. (Danburg recorded voting no)

**HB 938 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 938**, A bill to be entitled An Act relating to tuition fees at public upper-level institutions of higher education for students residing in bordering states.

The bill was read third time and was passed.

**HB 2887 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2887**, A bill to be entitled An Act relating to the powers and duties of certain industrial development corporations created by cities.

The bill was read third time and was passed.

**HB 467 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 467**, A bill to be entitled An Act relating to taxation of fuel used in the repair of rolling stock.

The bill was read third time and was passed.

**HB 632 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 632**, A bill to be entitled An Act relating to safety standards for public and private playgrounds and limits on the civil liability of a person who provides and maintains a safe playground.

The bill was read third time and was passed.

**HB 1201 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1201**, A bill to be entitled An Act relating to allowing the prepayment of the franchise tax in quarterly installments.

The bill was read third time and was passed.

**HB 1652 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1652**, A bill to be entitled An Act relating to personnel records maintained by certain sheriff's departments.

The bill was read third time and was passed.

**HB 1687 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1687**, A bill to be entitled An Act relating to the notification of school personnel of the arrest or detention of a student.

The bill was read third time and was passed.

**HB 1832 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1832**, A bill to be entitled An Act relating to the creation of emergency services districts without taxing authority and the conversion of such districts to emergency services districts with taxing authority.

The bill was read third time.

**Amendment No. 1**

Representative B. Turner offered the following amendment to the bill:

Amend **HB 1832** on third reading (House Committee Report) on page 2 by striking lines 8 and 9 and substituting:

"be " Emergency Services District," with the proposed name of the district inserted."

Amendment No. 1 was adopted without objection.

**HB 1832**, as amended, was passed.

**HB 2012 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2012**, A bill to be entitled An Act relating to the disclosure of certain information collected by the Parks and Wildlife Department.

The bill was read third time and was passed.

**HB 2072 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2072**, A bill to be entitled An Act relating to the licensing and regulation of public adjusters; providing criminal penalties.

The bill was read third time.

**Amendment No. 1**

Representative Counts offered the following amendment to the bill:

Amend **HB 2072**, on third reading, in SECTION 1 of the bill, by adding a new Subsection (h) to Section 15, Article 21.07-5, Insurance Code, as added by the bill, to read as follows:

(h) A public adjuster may not contact an insured until the expiration of the 15th day after the date on which the insured reports the claim to the insurance company.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Counts offered the following amendment to the bill:

Amend **HB 2072**, on third reading, in SECTION 1 of the bill, by striking Section 1, Article 21.07-5, Insurance Code, as added by the bill, and substituting the following:

Sec. 1. DEFINITION. In this article, "public adjuster" means a person who represents or adjusts the first party interest of a named insured in insurance policies that cover physical damage to real and personal property by giving advice regarding, or preparing or negotiating, such a claim, and who solicits from the insured or the insured's representative the contractual right and obligation to lawfully provide services relating to the adjustment of a loss involving physical damage to real or personal property. The term does not include a person employed only to furnish technical assistance or clerical support.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Counts offered the following amendment to the bill:

Amend **HB 2072**, on third reading, in SECTION 1 of the bill, by striking Section 14(b), Article 21.07-5, Insurance Code, as added by the bill, and substituting the following:

(b) A public adjuster may not receive a contingent fee on a claim for which an insurance company, not later than 15 days after the date on which the loss is reported to the insurance company, or, in the event of a declared catastrophe or disaster, not later than 15 days after the first inspection conducted by the adjuster for the insurance company, makes an offer to the insured in writing to settle the claim. The public adjuster is not entitled to compensation for any portion of the amount initially offered to the insured by the insurance company. The public adjuster may only receive a contingent fee or compensation based on the increase computed by subtracting the amount initially offered by the insurance company to the insured from the amount finally paid by the insurance company to the insured on the claim.

Amendment No. 3 was adopted without objection.

**HB 2072**, as amended, was passed.

### **HB 2133 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2133**, A bill to be entitled An Act relating to the authority of certain Parks and Wildlife Department employees to enter on private property and to the use of information obtained.

The bill was read third time and was passed.

### **HB 2122 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2122**, A bill to be entitled An Act relating to deductibles for workers' compensation insurance.

The bill was read third time and was passed.

### **HB 2509 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2509**, A bill to be entitled An Act relating to allowing municipalities and counties to enter into contracts for the collection of certain court costs and fines.

The bill was read third time.

### **Amendment No. 1**

Representative Thompson offered the following amendment to the bill:

Amend **HB 2509** on third reading by adding an appropriately numbered section to read as follows and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Section 132.002(a), Local Government Code, is amended to read as follows:

(a) The commissioners court of a county may authorize a county or precinct officer who collects fees, fines, courts costs, or other charges to:

(1) accept payment by credit card of a fee, fine, court cost, or other charge; and

(2) if specifically authorized by the commissioners court, collect a fee for processing the payment by credit card.

Amendment No. 1 was adopted without objection.

**HB 2509**, as amended, was passed.

### **HB 3143 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 3143**, A bill to be entitled An Act relating to the unauthorized use by a motor vehicle of toll roads in certain counties; providing criminal and administrative penalties.

The bill was read third time.

**Amendment No. 1**

Representative Hamric offered the following amendment to the bill:

Amend **HB 3143** on third reading on page 2, lines 4-5, by striking "for the violation of an order adopted under Section 8e(a) of this Act" and substituting "for a person who is suspected of having violated an order adopted under Section 8e(a) of this Act on at least two separate occasions within a 12 month period in connection with a toll to be paid by electronic means"

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Hamric offered the following amendment to the bill:

Amend **HB 3143** (House Committee Report) on third reading as follows:

On page 2, Section 8f, lines 4-5 strike "for the violation of an order adopted under Section 8e(a) of this Act" and substitute "for a person who is suspected of having violated an order adopted under Section 8e(a) of the Act on at least two separate occasions".

Amendment No. 2 was withdrawn.

**HB 3143**, as amended, was passed.

**HB 852 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 852**, A bill to be entitled An Act relating to investigations of judges by the State Commission on Judicial Conduct.

The bill was read third time and was passed.

**HB 1342 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1342**, A bill to be entitled An Act relating to regulation of a person that exhibits nudity and that allows the possession or consumption of alcoholic beverages on the premises; providing criminal penalties.

The bill was read third time.

**Amendment No. 1**

Representative Hilbert offered the following amendment to the bill:

Amend **HB 1342** on third reading, Section 54.005, as follows:

On page 4, line 25, strike the number "16" and insert "18" in lieu thereof.

Amendment No. 1 was adopted without objection.

**HB 1342**, as amended, was passed.

**HB 1051 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1051**, A bill to be entitled An Act relating to the regulation of the location of a sexually oriented business selling alcoholic beverages.



The bill was read third time.

**Amendment No. 1**

Representative Hilbert offered the following amendment to the bill:

Amend **HB 1051**, on third reading, Sec. 109.61, as follows:

On page 1, line 12, after the word "church" insert the words "or other house of worship"

Amendment No. 1 was adopted without objection.

**HB 1051**, as amended, was passed.

**HB 272 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 272**, A bill to be entitled An Act relating to the authority of a municipality or county to regulate a sexually oriented business.

The bill was read third time and was passed.

**HB 1538 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1538**, A bill to be entitled An Act relating to the availability to law enforcement agencies of certain information relating to inmates in the institutional division of the Texas Department of Criminal Justice.

The bill was read third time and was passed.

**HB 2083 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2083**, A bill to be entitled An Act relating to the issuance of special license plates and parking placards for vehicles owned by or transporting disabled persons and the enforcement of the law relating to parking by or for disabled persons.

The bill was read third time and was passed.

**HB 2266 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2266**, A bill to be entitled An Act relating to operation under a license issued by a state agency on reversal and remand of a contested case relating to the license.

The bill was read third time and was passed.

**HB 2345 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2345**, A bill to be entitled An Act relating to the regulation of slaughterers by a county; providing a penalty.

The bill was read third time and was passed.

**HB 2377 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2377**, A bill to be entitled An Act relating to the provision and administration of mental health and mental retardation services.

The bill was read third time.

**Amendment No. 1**

Representative Kubiak offered the following amendment to the bill:

Amend **HB 2377** on third reading as follows:

In Section 8, subsection (c), on page 5, line 22-23, strike after "cost-benefit," and substitute the following:

"providers' staff qualifications, experience and training, and client care issues including quality of care and client outcomes to insure consumer choice and the best use of public money in:"

Amendment No. 1 was withdrawn.

**HB 2377** was passed.

**HB 2891 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2891**, A bill to be entitled An Act relating to reports to the legislature by state health and human services agencies and to the long-term care state plan for the elderly.

The bill was read third time and was passed.

**HB 422 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 422**, A bill to be entitled An Act relating to the adoption of the Uniform Transfer On Death Security Registration Act.

The bill was read third time and was passed.

**HB 647 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 647**, A bill to be entitled An Act relating to the modification of an order providing for a managing conservator's or possessory conservator's possession of and access to a child on a conviction for child abuse; providing a penalty.

The bill was read third time and was passed.

**HB 1632 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1632**, A bill to be entitled An Act relating to protective orders for family violence; providing penalties.

The bill was read third time and was passed.

**HB 1758 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1758**, A bill to be entitled An Act relating to the use of telephones by defendants confined in the institutional division of the Texas Department of Criminal Justice.

The bill was read third time and was passed.

**HB 2477 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2477**, A bill to be entitled An Act relating to authorizing the School Land Board to allow owners of the soil to waive agency rights and to lease oil, gas, and other minerals in, on, and under mineral classified lands.

The bill was read third time and was passed.

**HB 137 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 137**, A bill to be entitled An Act relating to the liability of certain persons for the conduct of a child.

The bill was read third time.

**Amendment No. 1**

Representative Chisum offered the following amendment to the bill:

Amend **HB 137** on third reading as follows:

(1) In SECTION 1 of the bill, in amended Section 41.001, Family Code, between "LIABILITY." and "A", insert "(a)".

(2) In SECTION 1 of the bill, in amended Section 41.001, Family Code, add the following:

(b) It is a defense to a claim under this chapter that the parent, legal guardian, or person against whom the claim is brought engaged in reasonable efforts to control and discipline the child.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Allen offered the following amendment to the bill:

Amend **HB 137** on third reading as follows:

(1) In SECTION 1 of the bill, in amended Section 41.001, Family Code, between "LIABILITY." and "A", insert "(a)".

(2) In SECTION 1 of the bill, in amended Section 41.001, Family Code, add Subsection (b) to read as follows:

(b) It is a defense to a claim under this chapter that the child has run away from the home of the parent, legal guardian, or person against whom the claim is brought and that the parent, guardian, or person has reported the child to the appropriate law enforcement agency and made other reasonable efforts to return the child to the child's home.

Amendment No. 2 was adopted without objection.

**HB 137**, as amended, was passed.

**HB 138 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 138**, A bill to be entitled An Act relating to the detention of a child alleged to have committed an offense.

The bill was read third time and was passed.

**SB 1454 ON THIRD READING**

**(Hirschi - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 1454**, A bill to be entitled An Act relating to educational programs for medical students and physicians regarding pain management and treatment.

The bill was read third time and was passed.

**SB 1504 ON THIRD READING**

**(Conley - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 1504**, A bill to be entitled An Act relating to failure to appear on a complaint, citation, or court order to pay a fine for a violation of a traffic law.

The bill was read third time.

**Amendment No. 1**

Representative Madden offered the following amendment to the bill:

Amend **SB 1504** on third reading by striking the language added by 2nd reading Amendment No. 2 by Madden.

Amendment No. 1 was adopted without objection.

**SB 1504**, as amended, was passed.

**SB 1336 ON THIRD READING**

**(Naishtat - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 1336**, A bill to be entitled An Act relating to the eligibility of the Texas Department on Aging to participate in certain block grant programs.

The bill was read third time and was passed.

**SB 707 ON THIRD READING**

**(Serna - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 707**, A bill to be entitled An Act relating to the accessibility of certain paints to business patrons in certain municipalities.

The bill was read third time and was passed. (Patterson recorded voting no)

**SB 1198 ON THIRD READING**  
**(Thompson - House Sponsor)**

The speaker laid before the house, on its third reading and final passage, **SB 1198**, A bill to be entitled An Act relating to the power of a municipality to abate certain nuisances, including substandard buildings, that are dangerous to the public health or safety; creating a civil penalty.

The bill was read third time.

**Amendment No. 1**

Representative Park offered the following amendment to the bill:

Amend **SB 1198** on third reading by striking Second Reading Amendment No. 1.

Amendment No. 1 was adopted without objection.

**SB 1198**, as amended, was passed.

**SB 81 ON THIRD READING**  
**(Brady and Goodman - House Sponsors)**

The speaker laid before the house, on its third reading and final passage,

**SB 81**, A bill to be entitled An Act relating to the establishment of children's advocacy centers.

The bill was read third time and was passed.

**SB 1228 ON THIRD READING**  
**(Gutierrez - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 1228**, A bill to be entitled An Act relating to review of public institutions of higher education by the state postsecondary review entity.

The bill was read third time and was passed.

**SB 1009 ON THIRD READING**  
**(Shields - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 1009**, A bill to be entitled An Act relating to the sanctions for acting as a life insurance counselor without a license or violating certain laws applicable to life insurance counselors; providing a criminal penalty.

The bill was read third time and was passed.

**SB 1637 ON THIRD READING**  
**(Duncan - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

**SB 1637**, A bill to be entitled An Act relating to the approval and use of certain life, health, and accident insurance policy forms.

The bill was read third time and was passed.

**HB 3028 ON THIRD READING**

The speaker laid before the house, as postponed business, on its third reading and final passage,

**HB 3028**, A bill to be entitled An Act relating to security deposits and application deposits provided by residential tenants and prospective residential tenants; providing a civil penalty.

The bill was read third time earlier today, postponed until 2:15 p.m., and was again postponed until this time.

**Amendment No. 1**

Representative Carona offered the following amendment to the bill:

Amend **HB 3028**:

by striking all of Section 92.101, Property Code, and substituting the following:

Sec. 92.101. APPLICATION. This subchapter applies ~~a lease executed or entered into after September 1, 1973 to all residential leases.~~

by deleting Section 92.1031 and Section 92.333

Amendment No. 1 was adopted without objection.

**HB 3028**, as amended, was passed. (Heflin, Horn, T. Hunter, Johnson, Nixon, Patterson, and Talton recorded voting no)

**HB 2958 ON THIRD READING**

The speaker laid before the house, as postponed business, on its third reading and final passage,

**HB 2958**, A bill to be entitled An Act relating to regulation of private investigators and private security agencies; providing a criminal penalty.

The bill was read third time earlier today and was postponed until this time.

**HB 2958** was passed.

**HB 2491 - VOTE RECONSIDERED**

Representative Bosse moved to reconsider the vote by which **HB 2491** failed to pass.

The motion to reconsider prevailed.

**HB 2491 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2491**, A bill to be entitled An Act relating to certain environmental permitting procedures of the Texas Natural Resource Conservation Commission.

**Amendment No. 2**

Representative Yost offered the following amendment to the bill:

Amend **HB 2491**, Second Reading Engrossment, on third reading as follows:

(1) In proposed Section 5.378, Water Code, strike Subsection (f) (page 11, lines 10 through 20) and substitute the following:

"(f) An applicant in a permitting procedure established by this subchapter shall bear the burdens of production and persuasion with respect to the specification, condition, provisions, or facts at issue in a draft permit prepared by the executive director."

(2) In proposed Section 5.379, Water Code, strike Subsection (d) and reletter Subsection (e) as Subsection (d).

Amendment No. 2 was adopted without objection.

**HB 2491**, as amended, was passed. (Denny and Horn recorded voting no)

### STATEMENT OF VOTE

**HB 2491** passed the House on May 11, 1995, and May 12, 1995, by voice vote.

Let the record reflect that I would have voted a white light on both readings had there been a record vote.

Willis

### SB 870 - REQUEST OF SENATE GRANTED

On motion of Representative Rodriguez, the house granted the request of the senate for the appointment of a conference committee on **SB 870**.

### SB 870 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 870**: Giddings, chair, Marchant, Chisum, Berlanga, and S. Turner.

### HB 677 - WITH SENATE AMENDMENTS

Representative Craddick called up with senate amendments for consideration at this time,

**HB 677**, A bill to be entitled An Act relating to the validity of certain documents to which certain notaries public fail to attach an official seal.

Representative Craddick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

### HB 677 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 677**: Craddick, chair, Hamric, Wolens, Horn, and McCall.

### HB 984 - WITH SENATE AMENDMENTS

Representative Bailey called up with senate amendments for consideration at this time,

**HB 984**, A bill to be entitled An Act relating to the filing of a conduct surety bond by certain alcoholic beverage permit or license holders.

Representative Bailey moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

#### **HB 984 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 984**: Yarbrough, chair, Kubiak, Giddings, Goolsby, and Torres.

#### **HB 1091 - WITH SENATE AMENDMENTS**

Representative Brimer called up with senate amendments for consideration at this time,

**HB 1091**, A bill to be entitled An Act relating to the consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for workers' compensation and to the functions of the new entity.

Representative Brimer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

#### **HB 1091 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1091**: Brimer, chair, Junell, Counts, Brady, and Solomons.

#### **HB 1337 - WITH SENATE AMENDMENT**

Representative Rodriguez called up with a senate amendment for consideration at this time,

**HB 1337**, A bill to be entitled An Act relating to the provision by a public junior college of remedial programs for students enrolled in secondary schools in an independent school district in the junior college's service area.

On motion of Representative Rodriguez, the house concurred in the senate amendment to **HB 1337** by (Record 420): 119 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Conley; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Raymond; Reyna; Rhodes;



Rodriguez; Rusling; Saunders; Seidlits; Shields; Siebert; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C); Glaze.

Absent, Excused — Delisi; Hirschi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden.

Absent — Clemons; Coleman; Cook; Dear; Goodman; Gutierrez; Hernandez; Junell; Lewis, R.; Luna; Munoz; Rangel; Sadler; Smithee; Williamson; Zbranek.

### **HB 1337 - TEXT OF SENATE AMENDMENT**

#### **Senate Amendment No. 1**

Amend **HB 1337**, page 1 after line 23, by adding subsection (d) to Section 130.090 as follows:

(d) For instances when state funding is provided to both a school district and a public junior college for a student enrolled in courses offered by a junior college under Subsection (a), the commissioner of education and the commissioner of higher education shall jointly develop a mechanism to identify and eliminate duplication of state funding.

### **HB 2015 - WITH SENATE AMENDMENT**

Representative Talton called up with a senate amendment for consideration at this time,

**HB 2015**, A bill to be entitled An Act relating to statutory changes to obtain delegation to Texas of the National Pollutant Discharge Elimination System.

On motion of Representative Talton, the house concurred in the senate amendment to **HB 2015**.

### **HB 2015 - TEXT OF SENATE AMENDMENT**

**CSHB 2015**, A bill to be entitled An Act, relating to statutory changes to obtain delegation to Texas of the National Pollutant Discharge Elimination System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 5, Water Code, is amended by adding Section 5.053, as effective upon delegation of NPDES permit authority, to read as follows:

Sec. 5.053. ELIGIBILITY FOR MEMBERSHIP. Text of Sec. 5.053 effective upon delegation of NPDES permit authority. (a) A person is not eligible to serve on the commission if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization regulated by the commission or receiving funds from the commission;

(2) owns, controls, or has, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission.

(b) In addition to the eligibility requirements in subsection (1) of this section, persons who are appointed to serve on the commission for terms which expire after August 31, 2001, must comply at the time of their appointment with the eligibility requirements established under 33 U.S.C. Sections 1251-1387, as amended.

SECTION 2. Section 26.017, Water Code, is amended to read as follows;  
Sec. 26.017. COOPERATION. The commission shall:

(1) encourage voluntary cooperation by the people, cities, industries, associations, agricultural interests, and representatives of other interests in preserving the greatest possible utility of water in the state;

(2) encourage the formation and organization of cooperative groups, associations, cities, industries, and other water users for the purpose of providing a medium to discuss and formulate plans for attainment of water quality control;

(3) establish policies and procedures for securing close cooperation among state agencies that have water quality control functions; ~~and~~

(4) cooperate with the governments of the United States and other states and with official or unofficial agencies and organizations with respect to water quality control matters and with respect to formulation of interstate water quality control compacts or agreements, and when representation of state interests on a basin planning agency for water quality purposes is required under Section 3(c) of the Federal Water Pollution Control Act, as amended, or other federal legislation having a similar purpose, the representation shall include an officer or employee of the commission~~[-]; and~~

(5) with respect to obtaining or administering the NPDES program in lieu of the government of the United States, not enter into any memorandum of agreement or other contractual relationship with or among state agencies or with the government of the United States which imposes any requirements upon the state other than or more stringent than those specifically set forth in Section 402(b) of the Federal Water Pollution Control Act, as amended.

SECTION 3. Section 26.0291, Water Code, as effective upon delegation of NPDES permit authority, is amended to read as follows:

Sec. 26.0291. WASTE TREATMENT INSPECTION FEE. Text of Sec. 26.0291 effective upon delegation of NPDES permit authority. (a) An annual waste treatment inspection fee is imposed on each permittee for each waste discharge permit held by the permittee. The fee is to supplement any other funds available to pay expenses of the commission in inspecting waste treatment facilities and enforcing the laws of the state and the rules of the commission governing waste discharge and waste treatment facilities. The fee for each year is imposed on each permit in effect during any part of the year.

(b) The commission by rule shall adopt a fee schedule for determining the

amount of the fee to be charged. The amount of the fee may not exceed \$25,000 [~~\$15,000~~] for each waste discharge permit held by a permittee. In determining the amount of a fee under this section, the commission may consider permitting factors such as flow volume, toxic pollutant potential, level of traditional pollutant, and heat load. The commission may consider the designated uses and segment ranking classification of the water affected by discharges from the permitted facility. Finally, the commission also may consider the expenses necessary to obtain and administer the NPDES program. The commission shall not adopt any rule designed to increase the fee imposed under this section on a treatment works owned by a local government, as those terms are defined in Sec. 26.001 of this code, before August 31, 1999.

(c) The fees collected under this section shall be deposited in a special fund in the state treasury to be known as the water quality fund. Money in the fund shall be used as follows:

(1) to supplement any other funds available for paying expenses of the commission in inspecting waste treatment facilities;

(2) to pay for the issuance and renewal of certificates of competency under and to administer Section 26.0301 of this code;

(3) to pay for processing plans or amendments to plans and inspecting the construction of projects under those plans pursuant to Section 26.0461 of this code and rules of the commission adopted under Section 26.046 and 26.0461 of this code; and

(4) to pay for any expenses of the commission necessary to obtain and administer the NPDES program in lieu of the federal government.

(d) The commission may adopt rules necessary to administer this section.

(3) A fee collected under this section is in addition to any other fee that may be charged under this chapter.

SECTION 4. Subchapter D, Chapter 26, Water Code is amended by adding Section 26.134 to read as follows:

Sec. 26.134. INTERVENTION; COMMENTS ON SETTLEMENTS. Text of Sec. 26.134 effective upon delegation of NPDES permit authority. (a) In a civil action instituted pursuant to section 26.123(d) or section 26.124 of this chapter alleging a violation of an NPDES permit or the failure to obtain an NPDES permit, the attorney general may not oppose intervention by a person who has standing to intervene, as provided by Rule 60, Texas Rules of Civil Procedure.

(b)(1) In an action identified in subsection (a) of this chapter or in an administrative action instituted under section 26.136 of this chapter, before the attorney general in a civil action or the commission in an administrative action may approve an agreed final judgment, consent order, voluntary settlement agreement or other voluntary agreement that would finally settle the action against a party, the attorney general or the commission, whichever is appropriate, shall permit the public to comment in writing on the proposed judgment or agreement.

(2) Notices of the opportunity to comment shall be published not later than the 30th day before the date on which the public comment period closes. The attorney general or the commission shall publish a notice in the Texas Register.

(3) The attorney general or the commission shall promptly consider any written comments and may withdraw or withhold consent to the proposed judgment, order, or agreement if the comments disclose facts or considerations which the attorney general or commission, as appropriate, believes indicate that the proposed judgment, order, or agreement would be inadequate to meet, or inconsistent with, the requirements of this chapter.

(4) No further notice of changes to the proposed judgment, order or agreement must be published if those changes arise from comments submitted in response to the previous notice.

(5) Subsection (b) of this section applies only to agreed judgments, consent orders, or voluntary agreements that would finally dispose of all the remaining issues involving a party in the civil suit or administrative action. This section does not require public comment on a proposed temporary restraining order, temporary injunction, emergency order, or other emergency relief that is not a final judgment or final order of the court or the commission.

(6) Chapter 2001, Government Code, does not apply to public comment under this section.

SECTION 5. Section 81.054, Natural Resources Code is amended to add new subsection (b) to read as follows:

Sec. 81.054. ENFORCEMENT BY ATTORNEY GENERAL. (a) The attorney general shall enforce the provision of this title by injunction or other adequate remedy and as otherwise provided by law.

(b) If an action is instituted by the attorney general under this section alleging a violation of an NPDES permit or the failure to obtain an NPDES permit under Chapter 91 or Chapter 141 of the Natural Resources Code, the attorney general may not oppose intervention by a person who has standing to intervene, as provided by Rule 60, Texas Rules of Civil Procedure.

SECTION 6. Section 91.003, Natural Resources Code is amended by adding new subsection (b) to read as follows:

Sec. 91.003. ADDITIONAL ENFORCEMENT AUTHORITY. (a) In addition to other authority specifically granted to the commission under this chapter, the commission may enforce this chapter or any rule, order, or permit of the commission adopted under this chapter in the manner and subject to the conditions provided in Chapters 81 and 85 of this code including the authority to seek and obtain civil penalties and injunctive relief as provided by those chapters.

(b) If the enforcement authority in Section 81.054, Natural Resources Code is used to institute a civil action alleging a violation of an NPDES permit issued under this chapter, the attorney general may not oppose intervention by a person who has standing to intervene as provided by Rule 60, Texas Rules of Civil Procedure.

SECTION 7. Section 141.101, Natural Resources Code, is amended to add new subsection (b) to read as follows:

Sec. 141.101. GENERAL ENFORCEMENT AUTHORITY. (a) In addition to other authority specifically granted to the commission under this chapter, the commission may enforce this chapter or any rule, order, or permit of the commission adopted under this chapter in the same manner and subject to the same conditions provided by Chapters 81 and 85 of this code, including

the authority to seek and obtain civil penalties and injunctive relief under those chapters.

(b) If the enforcement authority in Section 81.054, Natural Resources Code is used to institute a civil action alleging a violation of an NPDES permit or the failure to obtain an NPDES permit issued under this chapter, the attorney general may not oppose intervention by a person who has standing to intervene as provided by Rule 60, Texas Rules of Civil Procedure.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

### **HB 2265 - WITH SENATE AMENDMENT**

Representative Hilbert called up with a senate amendment for consideration at this time,

**HB 2265**, A bill to be entitled An Act relating to collection of judgments, fines, forfeitures, and penalties collected by district, county, and precinct officers.

On motion of Representative Hilbert, the house concurred in the senate amendment to **HB 2265** by (Record 421): 128 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Price; Puente; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Hirschi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden.

Absent — Clemons; Dear; Gutierrez; Junell; Munoz; Rangel; Sadler; Zbraneck.

**HB 2265 - TEXT OF SENATE AMENDMENT**

**CSHB 2265**, A bill to be entitled An Act relating to the judgments, fines, forfeitures, penalties, and criminal justice fees collected by certain local officers and departments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42.131, Code of Criminal Procedure, is amended by adding Section 15 to read as follows:

Sec. 15. ADMINISTRATIVE FEE. (a) A department may collect money from an individual as ordered by a court served by the department regardless of whether the individual is under the department's supervision.

(b) A department that collects money under this section shall promptly transfer the money collected to the appropriate county or state officer.

(c) A department may assess a reasonable administrative fee on an individual who participates in a department program or receives department services and who is not paying a monthly fee under Section 19, Article 42.12.

(d) This section applies only to a county with a population of 2.8 million or more.

SECTION 2. Subchapter C, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.072 to read as follows:

Art. 102.072. ADMINISTRATIVE FEE. (a) An officer listed in Article 103.003 or a community supervision and corrections department may assess an administrative fee for each transaction made by the officer or department relating to the collection of fines, fees, restitution, or other costs imposed by a court. The fee may not exceed \$2 for each transaction.

(b) This article applies only to a county with a population of 2.8 million or more.

SECTION 3. Article 103.003, Code of Criminal Procedure, is amended to read as follows:

Art. 103.003. COLLECTION. (a) District and county attorneys, clerks of district and county courts, sheriffs, constables, and justices of the peace may collect money payable under this title.

(b) A community supervision and corrections department serving a county with a population of 2.8 million or more may collect money payable under this title and as otherwise provided by law.

SECTION 4. Section 112.051, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the [The] county clerk shall keep an account for the county sheriff that charges the sheriff with each judgment, fine, forfeiture, or penalty that is payable to and rendered in any court of the county and that the sheriff is charged by law to collect. The sheriff may discharge the liability by producing the county treasurer's receipt that shows payment of the judgment, fine, forfeiture, or penalty.

(c) The sheriff is not liable for a judgment, fine, forfeiture, or penalty if the judgment, fine, forfeiture, or penalty is collected by:

(1) a public or private vendor under Article 103.0031, Code of Criminal Procedure; or

(2) the county treasurer or county auditor as required by Section 154.011.

SECTION 5. Section 112.052, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), a [A] fine imposed or a judgment rendered by a justice of the peace shall be charged against that justice.

(c) The justice is not liable for a fine imposed or judgment rendered by the justice if the fine or judgment is collected by:

(1) a public or private vendor under Article 103.0031, Code of Criminal Procedure; or

(2) the county treasurer or county auditor as required by Section 154.011.

SECTION 6. Section 154.009, Local Government Code, is amended to read as follows:

Sec. 154.009. EFFECT OF FAILURE TO COLLECT FEE OR COMMISSION. (a) If, following a hearing, the commissioners court finds that a district, county, or precinct officer has, through neglect, failed to collect a fee or commission that the officer is required by law to collect, the commissioners court shall deduct the amount of the fee or commission from the officer's salary. Before the 10th day before the date of the hearing, the commissioners court shall provide the officer with notice of the time and place of the hearing and an itemized statement of the uncollected fees to be charged against the officer's salary.

(b) This section does not apply to a district, county, or precinct officer if the county treasurer or county auditor is required to collect the fee or commission under Section 154.011.

SECTION 7. Subchapter A, Chapter 154, Local Government Code, is amended by adding Section 154.011 to read as follows:

Sec. 154.011. COLLECTIONS BY COUNTY TREASURER OR COUNTY AUDITOR. (a) If a district, county, or precinct officer consents, the commissioners court of a county with a population of 2.8 million or more may designate the county treasurer, if the county treasurer consents, or the county auditor, if the county auditor consents, to collect a fee, commission, judgment, fine, forfeiture, or penalty on behalf of the district, county, or precinct officer who is required by law to collect the fee, commission, judgment, fine, forfeiture, or penalty.

(b) The official designated shall report the collection of a fee, commission, judgment, fine, forfeiture, or penalty to the district, county, or precinct officer.

(c) The official designated is solely liable for collecting the fee, commission, judgment, fine, forfeiture, or penalty.

(d) The official designated may discharge liability under this section in the same manner provided for a district, county, or precinct officer.

(e) In this section, "county treasurer" includes a person performing the duties of the county treasurer and "county auditor" includes a person performing the duties of the county auditor.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several



days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

### **HB 2732 - WITH SENATE AMENDMENTS**

Representative Brimer called up with senate amendments for consideration at this time,

**HB 2732**, A bill to be entitled An Act relating to the timely filing of alcoholic beverage permits, the activities authorized for the holder of an agent's permit, the storage of certain alcoholic beverage records, and shipment of alcoholic beverages into the state.

On motion of Representative Brimer, the house concurred in the senate amendments to **HB 2732** by (Record 422): 99 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carter; Coleman; Cook; Counts; Crabb; Cuellar, H.; Cuellar, R.; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Holzheuser; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moffat; Mowery; Naishtat; Nixon; Oakley; Patterson; Pitts; Place; Puente; Raymond; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Telford; Thompson; Tillery; Torres; Van de Putte; Walker; West; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Nays — Carona; Chisum; Corte; Craddick; Culberson; Finnell; Haggerty; Hartnett; Horn; Jones, J.; Madden; Marchant; McCall; Price; Reyna; Talton; Turner, B.; Uher.

Present, not voting — Mr. Speaker(C); Swinford.

Absent, Excused — Delisi; Hirschi; Moreno; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden.

Absent — Clemons; Combs; Conley; Danburg; Dear; Giddings; Harris; Hightower; Junell; Munoz; Oliveira; Park; Rangel; Seidlits; Stiles; Williamson; Wilson; Zbrank.

### **STATEMENT OF VOTE**

I was shown voting yes on Record No. 422. I intended to vote no.

B. Hunter

### **HB 2732 - TEXT OF SENATE AMENDMENTS**

#### **Senate Amendment No. 1**

Amend **HB 2732** as follows:

(1) Add the following appropriately numbered sections:



SECTION \_\_\_\_\_. Section 16.01(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The holder of a winery permit may:

(1) manufacture, bottle, label, and package wine containing not more than 24 percent alcohol by volume;

(2) manufacture and import grape brandy for fortifying purposes only and to be used only on his licensed premises;

(3) sell wine in this state to holders of wholesaler's permits, winery permits, and wine bottler's permits;

(4) sell wine to ultimate consumers in unbroken packages for off-premises consumption in an amount not to exceed 25,000 gallons annually;

(5) sell the wine outside this state to qualified persons;

(6) blend wines; ~~and~~

(7) dispense free wine for consumption on the winery premises; and

(8) sell, by the drink, wine manufactured and bottled on the winery premises to ultimate consumers for consumption on the winery premises if the premises is in an area where the sale of wine is legal.

SECTION \_\_\_\_\_. Section 25.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 25.01. AUTHORIZED ACTIVITIES. The holder of a wine and beer retailer's permit may sell:

(1) for consumption on or off the premises where sold, but not for resale, wine, beer, and malt liquors containing alcohol in excess of one-half of one percent by volume and not more than 14 percent by volume; and

(2) for consumption on the premises traditional port, madeira, sake, or sherry containing alcohol in excess of one-half of one percent by volume and not more than 24 percent by volume.

SECTION \_\_\_\_\_. Sections 251.14(b), (c), (d), and (e), Alcoholic Beverage Code, are amended to read as follows:

(b) In areas where any type or classification of alcoholic beverages is prohibited and the issue submitted pertains to legalization of the sale of one or more of the prohibited types or classifications, the ballot shall be prepared to permit voting for or against one of the following issues:

(1) "The legal sale of beer for off-premise consumption only."

(2) "The legal sale of beer."

(3) "The legal sale of beer and wine for off-premise consumption only."

(4) "The legal sale of beer and wine."

(5) "The legal sale of all alcoholic beverages for off-premise consumption only."

(6) "The legal sale of all alcoholic beverages except mixed beverages."

(7) "The legal sale of all alcoholic beverages including mixed beverages."

(8) "The legal sale of mixed beverages."

(9) "The legal sale of wine on the premises of a holder of a winery permit for off-premises consumption only."

(c) In areas where the sale of all alcoholic beverages including mixed beverages has been legalized, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

- (1) "The legal sale of beer for off-premise consumption only."
  - (2) "The legal sale of beer."
  - (3) "The legal sale of beer and wine for off-premise consumption only."
  - (4) "The legal sale of beer and wine."
  - (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
  - (6) "The legal sale of all alcoholic beverages except mixed beverages."
  - (7) "The legal sale of all alcoholic beverages including mixed beverages."
  - (8) "The legal sale of mixed beverages."
  - (9) "The legal sale of wine on the premises of a holder of a winery permit for off-premises consumption only."
- (d) In areas where the sale of all alcoholic beverages except mixed beverages has been legalized, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory elections:
- (1) "The legal sale of beer for off-premise consumption only."
  - (2) "The legal sale of beer."
  - (3) "The legal sale of beer and wine for off-premise consumption only."
  - (4) "The legal sale of beer and wine."
  - (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
  - (6) "The legal sale of all alcoholic beverages except mixed beverages."
  - (7) "The legal sale of wine on the premises of a holder of a winery permit for off-premises consumption only."
- (e) In areas where the sale of beverages containing alcohol not in excess of 14 percent by volume has been legalized, and those of higher alcoholic content are prohibited, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:
- (1) "The legal sale of beer for off-premise consumption only."
  - (2) "The legal sale of beer."
  - (3) "The legal sale of beer and wine for off-premise consumption only."
  - (4) "The legal sale of beer and wine."
  - (5) "The legal sale of wine on the premises of a holder of a winery permit for off-premises consumption only."
- (2) Renumber the remaining sections of the bill appropriately.

### **Senate Amendment No. 2**

Amend **HB 2732** by adding new appropriately numbered SECTIONS as follows and renumbering subsequent sections appropriately:

SECTION \_\_\_\_\_. Subchapter C, Chapter 102, Alcoholic Beverage Code, is amended by adding Section 102.55 to read as follows:

Sec. 102.55. APPLICATION OF TERRITORIAL LIMITS TO LOCAL DISTRIBUTOR'S PERMITTEES. (a) A local distributor's permittee under Chapter 23 who has purchased beer, ale, or malt liquor from the holder of a general, local, or branch distributor's license or from the holder of a general class B wholesaler's or local class B wholesaler's permit may not deliver the

product purchased from such distributor or wholesaler to any mixed beverage or private club permittee whose premises is located outside of the territory assigned to such distributor or wholesaler under a territorial limit agreement authorized by this subchapter.

(b) Except as provided in Subsection (c) of this section, a local distributor's permittee may only purchase beer, ale, or malt liquor from a distributor or wholesaler who has been assigned the territory in which the premises of the local distributor's permit is located.

(c) A local distributor's permittee who delivers beer, ale, or malt liquor to a mixed beverage or private club permittee which is located outside of the assigned territory in which the premises of the local distributor's permit is located must purchase that beer, ale, or malt liquor from the distributor or wholesaler who has been assigned the territory in which the premises of the mixed beverage or private club permittee is located.

SECTION \_\_\_\_\_. Chapter 102, Alcoholic Beverage Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. LIQUOR INDUSTRY FAIR DEALING LAW

Sec. 102.90. DEFINITIONS. In this subchapter:

(1) "This Act" means this subchapter, which shall be known and may be cited as the Liquor Industry Fair Dealing Law.

(2) "Liquor" has the meaning provided in Section 1.04(5) of this code but shall not include ale or malt liquor.

(3) "Supplier" means a person holding a permit under Section 14.01, 16.01, 18.01, or 37.01 of this code.

(4) "Wholesaler" means a person holding a permit authorizing the purchase of liquor for sale to retailers, but does not include any holder of a local distributor's permit.

(5) "Territory" or "sales territory" means the geographic area of distribution and sales responsibility designated by an agreement between a wholesaler and a supplier, as provided for in Section 102.93 of this code, for any brands of the supplier.

(6) "Brand" or "label" means the name by which any liquor or its logo is known as authorized by its federal label approval including all authorized sizes or configurations authorized for sale within the state.

Sec. 102.92. PURPOSES AND POLICIES. The legislature finds that this subsection is necessary in the public interest of the state and that the public interest is served by the purposes and policies hereinafter stated, all of which is enacted pursuant to the authority granted to the state under the provisions of the Twenty-first Amendment to the United States Constitution:

(1) to prevent unfair business practices, discrimination, and undue control of one segment of the liquor industry by any other segment;

(2) to foster vigorous and healthy competition in the liquor industry;

(3) to promote and keep alive a sound and stable distribution of liquor in this state;

(4) to protect public revenues by facilitating the collection and accountability of state liquor excise taxes; and

(5) to promote the public health, safety, and welfare of the people of the State of Texas.

Sec. 102.93. DESIGNATION OF SALES TERRITORIES AND EXCLUSIVE WHOLESALE DISTRIBUTORS. (a) Every supplier shipping liquor into the state shall submit to the commission one label for each brand of liquor to be shipped into this state and shall designate the sales territories for each of its brands sold in this state and name one wholesaler who shall be the exclusive distributor of the brand within the territory.

(b) Each supplier shall enter into an agreement with one wholesaler in each sales territory, appointing that wholesaler the exclusive wholesaler of the brands to be sold in that territory. Every wholesaler in this state who was handling a brand or label on May 1, 1995, shall be designated by the supplier as the exclusive wholesaler for such brand or label in the sales territory.

(c) Every wholesaler shall file with the commission a copy of each territorial assignment by which the wholesaler was appointed by a supplier as the exclusive wholesaler of the brand handled by the supplier within the territory.

(d) The commission shall initially approve such designations of wholesalers and sales territories, and such designations of wholesalers and sales territories shall not be changed or initially disapproved by the commission.

(e) Any brand or label which is the same as, similar to, or a modification, substitution, upgrade, or extension of a brand or label which has already been registered by a supplier shall be assigned by the supplier to the wholesaler to which the original brand or label was assigned.

Sec. 102.94. UNLAWFUL TRANSACTIONS. (a) No supplier may sell any brand or label of liquor in this state other than to the wholesaler appointed by that supplier as the exclusive wholesaler of that brand or label in an assigned territory.

(b) No wholesaler may sell any liquor in this state to a retailer whose premises is not located within the wholesaler's assigned sales territory unless the wholesaler has been appointed as the exclusive wholesaler of that brand of liquor for the territory in which the sale is made.

(c) Violation of this section shall be grounds for cancellation or suspension of any permit held by the violator.

Sec. 102.95. REQUEST TO CHANGE DESIGNATIONS. (a) Any supplier desiring to change a wholesaler with respect to any brand or to alter the sales territory of an exclusive wholesaler shall file with the commission a wholesaler change request on a form prescribed by the commission which contains the following information:

- (1) the name of each brand involved;
- (2) the case volume in Texas for each brand for the current year or portion thereof and the three previous calendar years;
- (3) the name of the wholesaler currently distributing such brand;
- (4) the name of the proposed new wholesaler; and
- (5) a detailed explanation of the specific business reasons for the request to change wholesalers and business reasons which may be considered by the commission in determining good cause for authorizing a change.

(b) At the same time that the change request is filed with the commission, a copy thereof shall be sent by certified mail by the supplier to each wholesaler who may be affected by the proposed changes.

(c) Grounds that the commission may consider in determining good cause for authorizing a change in wholesalers or sales territories are:

(1) a wholesaler's bankruptcy or serious financial instability, including its consistent failure to pay its debts on demand therefor in accordance with agreed payment terms or its failure to meet or maintain any objective standards of capitalization expressly agreed to between the wholesaler and supplier, provided such standards are determined by the commission to be commercially reasonable;

(2) a wholesaler's repeated violation of any provision of federal or state law or regulations or the revocation or suspension of a permit for a period of 30 days or more relating to the business and which materially and adversely affects the wholesaler's ability to continue in business; and

(3) a wholesaler's failure to maintain reasonable sales volume of the brand, taking into consideration such factors as the extent of the supplier's advertising and promotion of the particular brand, sales history by other wholesalers in the state and region, national trends, and prevailing economic conditions affecting sales generally, or the extent of the wholesaler's efforts, or lack thereof, to promote a particular brand.

Sec. 102.96. PROTEST OF CHANGES IN DESIGNATIONS. An appointed exclusive wholesaler adversely affected by a contemplated change in designation shall have the right to protest any proposed alteration of territory or change in the appointment of exclusive wholesaler. Within 90 days after receipt of such notice as required in Section 102.95 of this code, any affected wholesaler may object to the proposed alteration of territory or change in the appointment of an exclusive wholesaler by filing a written objection to the commission. During such 90-day period and until the proposed changes have been finally approved by the commission, the supplier proposing the change shall continue to supply the designated wholesaler, on commercially reasonable terms, such reasonable quantities of the brand involved as the wholesaler may require. If a petition for judicial review is filed pursuant to Section 102.97 of this code, the supplier shall likewise continue to supply the designated wholesaler, on commercially reasonable terms, such reasonable quantities of the brand involved as the wholesaler may require until judgment or order of the court, including appeals, is final.

Sec. 102.97. HEARING. (a) On receipt of a protest by an affected wholesaler or on its own motion, the commission shall, within 60 days, set the matter for hearing for the purpose of determining the truth of any matters of fact alleged by any party and determining whether the proposed changes are based on sufficient cause and are otherwise consistent with the policies set out in Section 102.95 of this code. The hearing shall be conducted in Travis County as a contested case under the provisions of Chapter 2001, Government Code. Any wholesaler aggrieved by a final decision or order by the commission or administrator is entitled to judicial review in accordance with the provisions of Chapter 2001, Government Code, by filing a petition in a district court of Travis County or a district court in any county within the wholesaler's exclusive sales territory. The judgment of the district court may be appealed by any party as in other civil cases.

(b) If no objection is filed, change of wholesaler shall take effect 90 days

from notification. The supplier must purchase from its former wholesaler all brands involved at laid-in cost and remove said inventory to the new wholesaler.

(c) Any manufacturer, shipper, or broker who obtains or acquires in any manner the right to sell, ship, or distribute any brand or label shall for the purpose of this subchapter stand in the place of and be subject to all of the rights, privileges, duties, and obligations of its predecessor or its predecessors from which such brands or labels were obtained or acquired.

Sec. 102.98. EFFECT. The effect of this subchapter may not be varied by contract. Any agreement purporting to do so is void and unenforceable to the extent of such variance.

Sec. 102.99. PROHIBITED CONDUCT. No supplier shall:

(1) induce or coerce or attempt to induce or coerce any wholesaler to engage in any illegal act or course of conduct;

(2) require a wholesaler to assent to any unreasonable requirement, quota, condition, understanding, or term of an agreement prohibiting a wholesaler from selling the product of any other supplier;

(3) fix or maintain the price at which a wholesaler may resell liquor;  
or

(4) require any wholesaler to accept delivery of any liquor or any other product, including any nonalcoholic product, which shall not have been ordered by the wholesaler.

Sec. 102.991. TRANSFER OF BUSINESS ASSETS OR STOCK. (a) No supplier shall unreasonably withhold or delay its approval of any assignment, sale, or transfer of the stock of a wholesaler or all or any portion of a wholesaler's assets, wholesaler's voting stock, the voting stock of any parent corporation, or the beneficial ownership or control of any entity owning or controlling the wholesaler, including the wholesaler's rights and obligations under the terms of an agreement whenever the person or persons to be substituted meet reasonable standards imposed not only on the wholesaler but also on all other wholesalers of the supplier of the same general class, taking into account the size and location of the sales territory and market to be served. On the death of one of the partners of a partnership operating the business of a wholesaler, no supplier shall deny the surviving partner or partners of such partnership the right to become a successor-in-interest to the agreement between the supplier and such partnership.

(b) Notwithstanding the provisions of Subsection (a) of this section, on the death of a wholesaler, no supplier shall deny approval for any transfer of ownership to a surviving spouse or adult child of an owner of a wholesaler, provided that subsequent transfers of such ownership by such ownership by such surviving spouse or adult child shall thereafter be subject to the provisions of Subsection (a) of this section.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Park on motion of Corte.

**HB 2032 - VOTE RECONSIDERED**

Representative Uher moved to reconsider the vote by which **HB 2032** was passed.

The motion to reconsider prevailed.

**HB 2032 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2032**, A bill to be entitled An Act relating to the administration of medical and dental units of public institutions of higher education.

A record vote was requested.

The bill was read third time and was passed by (Record 423): 125 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Patterson; Pitts; Place; Price; Puente; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Hirschi; Moreno; Park; Pickett; Rabuck; Ramsay; Romo; Serna; Solis; Turner, S.

Absent, Excused, Committee Meeting — Gallego; Hochberg; Ogden.

Absent — Clemons; Danburg; Dear; Giddings; Hernandez; Junell; Lewis, R.; Munoz; Rangel; Williamson.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative Marchant moved to suspend all necessary rules to allow the Committee on Financial Institutions to meet while the house is in session.

The motion prevailed without objection.

Representative Berlanga moved to suspend all necessary rules to allow the Committee on Public Health to meet while the house is in session.

The motion prevailed without objection.

Representative Saunders moved to suspend all necessary rules to allow the Committee on Land and Resource Management to meet while the house is in session.



The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Land and Resource Management, at this time, speakers committee room.

Criminal Jurisprudence, 3 p.m. or on adjournment today, E1.022, Capitol Extension.

Financial Institutions, at this time, speakers committee room, to consider pending business and eligible senate bills.

Public Health, at this time, speakers committee room.

### **PROVIDING FOR ADJOURNMENT**

Representative Saunders moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the receipt of a message from the senate and the signing of bills and resolutions in the presence of the house, the house adjourn until 10 a.m. Monday, May 15.

The motion prevailed without objection.

### **RESOLUTIONS REFERRED TO COMMITTEE**

The following resolutions were laid before the house and referred to committee:

By Solomons,

**HCR 203**, Designating August 7-13, 1995, as Municipal Courts Week in Texas.

To Committee on Rules and Resolutions.

By Krusee,

**HCR 204**, Honoring William Gooch on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Jackson,

**HR 912**, Honoring Earl Tischofer, executive director of the North NASA Area Association of Realtors.

To Committee on Rules and Resolutions.

By Oakley and Willis,

**HR 914**, In memory of Dr. William deVlaming.

To Committee on Rules and Resolutions.

By West,

**HR 915**, In memory of Lucille Evelyn Wolz.

To Committee on Rules and Resolutions.

By West,

**HR 916**, Honoring Crockett Junior High School on its nomination for consideration in the U.S. Department of Education's Drug-Free Schools Recognition Program.

To Committee on Rules and Resolutions.



By Johnson,  
**HR 917**, Commemorating the dedication of the Kirbyville Veterans' Memorial.

To Committee on Rules and Resolutions.

By Oakley,  
**HR 918**, Naming Danielle Star Willis an official junior mascot of Texas Independence Day, 1996.

To Committee on Rules and Resolutions.

### **SENATE BILLS ON FIRST READING**

The following senate bills were today laid before the house, read first time, and referred to committees:

**SB 101** to Committee on Ways and Means.

**SB 434** to Committee on Human Services.

**SB 569** to Committee on Corrections.

**SB 585** to Committee on Higher Education.

**SB 631** to Committee on Urban Affairs.

**SB 662** to Committee on Business and Industry.

**SB 698** to Committee on Criminal Jurisprudence.

**SB 751** to Committee on Ways and Means.

**SB 871** to Committee on Financial Institutions.

**SB 879** to Committee on Urban Affairs.

**SB 901** to Committee on Pensions and Investments.

**SB 994** to Committee on Transportation.

**SB 1058** to Committee on Transportation.

**SB 1076** to Committee on Natural Resources.

**SB 1214** to Committee on Business and Industry.

**SB 1306** to Committee on Civil Practices.

**SB 1314** to Committee on Transportation.

**SB 1334** to Committee on Business and Industry.

**SB 1337** to Committee on Public Safety.

**SB 1362** to Committee on County Affairs.

**SB 1398** to Committee on Licensing and Administrative Procedures.

**SB 1435** to Committee on Civil Practices.

**SB 1528** to Committee on Economic Development.

**SB 1549** to Committee on Financial Institutions.

**SB 1564** to Committee on Ways and Means.

**SB 1567** to Committee on Ways and Means.

**SB 1670** to Committee on Economic Development.

**SB 1677** to Committee on State Affairs.

**SB 1683** to Committee on Environmental Regulation.

**SB 1685** to Committee on Public Health.

**SB 1689** to Committee on Public Safety.

**SB 1695** to Committee on Public Safety.

**SB 1696** to Committee on State Affairs.

**SB 1709** to Committee on Natural Resources.

### **SENATE JOINT RESOLUTION ON FIRST READING**

The following senate joint resolution was today laid before the house, read first time, and referred to committee:

**SJR 47** to Committee on State Affairs.

### **RESOLUTIONS REFERRED TO COMMITTEES**

The following resolutions were laid before the house and referred to committees:

**SCR 130**, Directing the Supreme Court of Texas to adopt certain rules relating to attorney advertising.

To Committee on Judicial Affairs.

**SCR 137**, Declaring support for the death penalty for a capital felony.

To Committee on Criminal Jurisprudence.

**SCR 151**, Declaring May 11, 1995, as Wood County Day at the State Capitol.

To Committee on Rules and Resolutions.

**SCR 152**, Commending Belen Robles for her contributions to the League of United Latin American Citizens.

To Committee on Rules and Resolutions.

No messages from the senate were received.

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 4:55 p.m., adjourned until 10 a.m. Monday, May 15.

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## **APPENDIX**

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### **STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

Business and Industry - **SB 336, SB 1426, SB 1605**

Criminal Jurisprudence - **SB 15, SB 39, SB 134, SB 206, SB 349, SB 840, SB 1090**

Higher Education - **SB 525**

Insurance - **SB 202, SB 553, SB 597, SB 598, SB 1407, SB 1410, SB 1637**

Judicial Affairs - **SJR 26**

Juvenile Justice and Family Issues - **SB 789, SB 808, SB 1487, SB 1594**

Land and Resource Management - **SB 1261, SB 1395**

Licensing and Administrative Procedures - **SB 714**

Natural Resources - **SB 935, SB 1645, SB 1647, SB 1657, SB 1660, SB 1674, SB 1693, SCR 80**

Public Health - **SB 406, SB 497, SB 545, SB 667, SB 1303, SB 1554, HCR 129, SCR 87**

State Affairs - **SB 646, SB 1296, SB 1620, HCR 168**

Transportation - **SB 209, SB 1278, SB 1470**

Ways and Means - **SB 255, SB 794, SB 1136**

#### ENGROSSED

May 11 - **HB 11, HB 142, HB 273, HB 614, HB 757, HB 1305, HB 1367, HB 1622, HB 1697, HB 1905, HB 2418, HB 2490, HB 2517, HB 2766, HB 2801, HB 2845, HB 3049, HB 3226, HB 3235, HJR 14, HJR 68, HJR 107**

May 12 - **HB 228, HB 277, HB 354, HB 433, HB 613, HB 712, HB 725, HB 1180, HB 1300, HB 1362, HB 1379, HB 1420, HB 1681, HB 1817, HB 1987, HB 2331, HB 2389, HB 2464, HB 2516, HB 2522, HB 2558, HB 2584, HB 2596, HB 2644, HB 2704, HB 2712, HB 2925**

#### ENROLLED

May 11 - **HB 383, HB 436, HB 437, HB 438, HB 475, HB 997, HB 1187, HB 1242, HB 1336, HB 1463, HB 1506, HB 1507, HB 1523, HB 1552, HB 1647, HB 1664, HB 1754, HB 1877, HB 1968, HB 2096, HB 2341, HB 2473, HB 2642, HB 2725, HB 2998, HB 3134, HB 3157, HB 3166, HCR 71, HCR 198, HCR 199**

#### SENT TO THE GOVERNOR

May 12 - **HB 436, HB 437, HB 438, HB 475, HB 997, HB 1187, HB 1242, HB 1336, HB 1463, HB 1506, HB 1507, HB 1523, HB 1552, HB 1647, HB 1664, HB 1754, HB 1877, HB 1968, HB 2096, HB 2341, HB 2473, HB 2642, HB 2725, HB 2998, HB 3134, HB 3157, HB 3166, HCR 71, HCR 198**

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